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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

NOV 12 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Tariff Filing Requirements for) CC Docket No. 93-36
Nondominant Common Carriers)

REPLY OF CITICORP

Citicorp, by its attorneys, hereby replies to the comments that were submitted in response to the Petition for Partial Reconsideration which the Ad Hoc Telecommunications Users Committee ("Ad Hoc Committee") filed in the above-captioned proceeding on September 22, 1993.¹ As set forth below, the Commission should grant the relief requested by the Ad Hoc Committee.

The overwhelming majority of parties responding to the Ad Hoc Committee's Petition agreed that additional safeguards are necessary to ensure that carriers do not abuse the one-day notice period to file tariff revisions that unilaterally and unfairly alter the terms of underlying service agreements with customers.² Citicorp concurs in the arguments advanced by these parties.

1/ See Petition for Partial Reconsideration of Ad Hoc Telecommunications Users Committee, CC Docket No. 93-36 (filed Sep. 22, 1993) [hereinafter "Ad Hoc Committee Petition"].

2/ See, e.g., Comments of Tele-Communications Association, CC Docket No. 93-36, at 7-9 (filed Oct. 29, 1993); Comments of Information Industry Association, CC Docket No. 93-36, at 3-4 (filed Oct. 29, 1993); Comments of American Petroleum Institute, CC Docket No. 93-36, at 5 (filed Oct. 29, 1993); Comments of Aeronautical Radio, Inc., CC Docket No. 93-36, at 4 (filed Oct. 29, 1993).

Citicorp, however, also wishes to point out that there are many situations in which a one-day notice period would be advantageous to users. These include occasions in which carriers use the one-day notice period to file tariff revisions that reflect and implement their negotiations with customers. The Commission's rules should not delay the effective date of such tariff revisions with excessive notice periods, nor should the tariff process discourage the negotiation of such revisions. In fact, this proceeding presents the Commission with an opportunity to facilitate contractual negotiations between carriers and customers.

Conversely, where unilateral tariff revisions would detrimentally affect a customer's rights, a 45-day notice period is absolutely essential. This would have the positive effect of encouraging carriers to discuss changes with customers or face delay or worse in connection with unilaterally imposed tariff revisions. In short, such a safeguard would protect users' contractual rights and encourage the resolution of contractual disputes outside the scope of the Commission's tariff review process.

Thus, where carriers can certify that changes in their tariffs do not unilaterally alter the contractual rights of users or that their customers have been notified and do not object to the proposed tariff revisions, a one-day notice period is appropriate. Where a carrier is not in a position to make such a certification, a 45-day notice

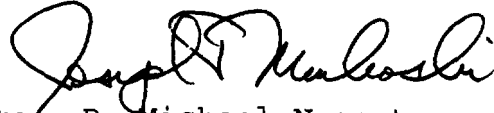
period is necessary to ensure that users have an adequate opportunity to protect their contractual rights.

Citicorp's goal in endorsing these safeguards is to encourage the Commission to adopt tariffing rules that better reflect the current marketplace and that also provide users with the ability to enforce and improve their contracts with carriers. In those hopefully rare instances in which a tariff revision is permitted to abrogate an underlying contract, users should -- as a final resort -- be permitted to terminate their contracts with carriers without liability.

For the reasons set forth above and in its initial comments, Citicorp urges the Commission to grant the Ad Hoc Committee's Petition for Partial Reconsideration.

Respectfully submitted,

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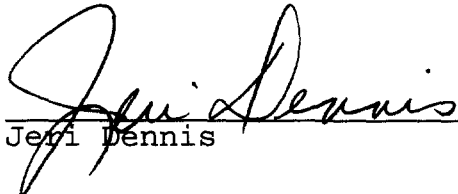
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November 12, 1993

CERTIFICATE OF SERVICE

I, Jeri Dennis, hereby certify that copies of the foregoing Reply of Citicorp were served by hand or by First Class United States Mail, postage prepaid, upon the parties appearing on the attached service list this 12th day of November, 1993.



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